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| AGENCY NAME: | South Carolina Administrative Law Court | | |
| AGENCY CODE: | C05 | SECTION: | 58 |



Fiscal Year 2013-14 Accountability Report

SUBMISSION FORM

AGENCY MISSION

The Court's mission is to provide a neutral forum for fair, prompt and objective hearings for any person(s) affected by an action or proposed action of certain State agencies or departments. The purpose of an administrative court such as the ALC, is to separate the adjudicatory proceedings from the investigative and policy-making functions of the agency. Prior to the creation of the Court, citizens who had a dispute with a state agency and wanted to challenge any action related to the dispute had to appear before hearing officers employed or contracted by that particular agency. The creation of this Court provided a forum separate from the agency whose decision was in dispute. The Court places a very high value on its ability to be fair and neutral to all of the litigants that appear before the Court and on continuing efforts to improve its results.

Please identify your agency's preferred contacts for this year's accountability report.

| | <u>Name</u> | <u>Phone</u> | <u>Email</u> |
|--------------------|------------------|--------------|--|
| PRIMARY CONTACT: | Jana Shealy | 734-6411 | jshealy@scalc.net |
| SECONDARY CONTACT: | Margaret Sanders | 734-6414 | msanders@scalc.net |

I have reviewed and approved the enclosed FY 2013-14 Accountability Report, which is complete and accurate to the extent of my knowledge.

AGENCY DIRECTOR

(SIGN/DATE):

| | |
|---|---------|
| | 9/15/14 |
| (RTYPE/PRINT NAME): Ralph King Anderson, III, Chief Judge | |

BOARD/CMSN CHAIR

(SIGN/DATE):

(TYPE/PRINT NAME):

| |
|----|
| NA |
| |

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AGENCY'S DISCUSSION AND ANALYSIS

The South Carolina Administrative Law Court (Court or ALC) celebrates its 20th anniversary in 2014. Over the years, the Court has developed from an agency with 6 Administrative Law Judges (ALJ) and staff in the Executive Branch to an agency and court of record with an additional division, the Office of Motor Vehicle Hearings (OMVH), housing five (5) hearings officers and staff. The Court's jurisdiction has increased at a steady pace and the caseload has increased almost twelve fold since 1994. (In 1994, 720 cases were filed and in FY 13-14, 8,561 cases were filed). We now hear cases involving all state agencies except those arising under the Consolidated Procurement Code, the Public Service Commission and the Workers' Compensation Commission. (See Age of Disposed Cases below for specific case types filed with the Court). Also, during this time, appeals of the Court's decisions have moved from either the board or commission of the agency or the circuit court, directly to the appellate courts of the State. The Court has successfully managed this additional workload even during difficult budget cycles and staff vacancies due to reductions in appropriations. During the past several budget cycles, however, the Court has received new funding and revenue to offset many of those previous cuts.

The Court was created to provide a neutral forum for fair, prompt and objective hearings related to our jurisdiction. Though the ALC provides an excellent forum for the review of administrative law matters, there is always room for improvement, especially related to the time frames for disposing its cases (See Graph Charts regarding percentage of disposed cases). All of these developments and years of growth put the ALC in a good position to evaluate our strategic goals and where we go from here.

The Chief Judge is statutorily responsible for the assigning of an ALJ to each case filed with the Court and oversees the OMVH where the cases are automatically assigned to a hearing officer based on specific geographic regions. The Chief Judge is also responsible for the administration of the Court and OMVH, including budgetary matters and supervision of the support staff. The other ALJs are individually responsible for efficiently disposing of cases assigned to them and for the supervision of his or her administrative assistant/law clerk. Although the Chief Judge is the administrator of the Court, each ALJ has complete autonomy over the cases he or she is assigned to preside over. Therefore, each ALJ and his or her law clerk are responsible for ensuring the fair and prompt disposition of the cases assigned to their office.

During the past fiscal year, the Court has been working with the vendor of the case management system (CMS) it obtained in 2008 to implement the upgrade provided by the original contract. The completion of this upgrade should be finalized by the end of this fiscal year and will pave the way for the Court to develop an electronic filing system for its litigants and to provide public access electronically. All of these technology improvements are intended to increase the Court's efficiency. The upgrade to the current CMS will assist the Judge's offices by having specific workflows for each filing type (contested case, appeal, regulation hearing or injunction) that track and provide timeframes for each step during the life of a case from filing to final disposition. As mentioned previously though, because each judge is autonomous, there is no required uniformity among the judges' offices or requirements that mandate compliance with the timeframes or workflows. Adherence to the workflows and processes for the cases through use of the upgraded CMS will improve the Court's performance measures concerning the timely disposition of cases. However, the Court's current structure, with six autonomous judges' offices, does not lend itself to centralized oversight of case disposition processes. In order for the General Assembly and the public to continue to hold the ALC accountable, legislative changes are necessary to provide such oversight.

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| ALC (No OMVH Cases) AGE OF DISPOSED CASES CHART | Total Cases Disposed | Avg. Age at Disposition | % Meeting Objective |
|--|-------------------------|----------------------------|------------------------|
| Category I Case Types: Objective = 90 Days | 274 | 127 | 52 |
| Insurance rate cases [DOI] | 0 | -- | -- |
| Insurance agent application/disciplinary cases [DOI] | 13 | 285 | 77 |
| Wage disputes [LLR] | 0 | -- | -- |
| Alcoholic beverage license applications/renewals [DOR] | 81 | 82 | 67 |
| Alcoholic beverage license violations [DOR] | 97 | 160 | 36 |
| CWP, PI and Security licensing [SLED] | 1 | 20 | 100 |
| Setoff Debt Collection [SETOFF] | 19 | 123 | 58 |
| Consumer Affairs [CA] | 2 | 82 | 50 |
| Injunctive relief hearings | 20 | 96 | 65 |
| Public hearings for proposed regulations | 19 | 66 | 100 |
| Employee Grievance Appeals | 3 | 384 | 33 |
| Charter School Appeals | 1 | 295 | 0 |
| Criminal Justice Academy Appeals | 2 | 402 | 0 |
| Secretary of State | 1 | 24 | 100 |
| Subpoenas | 2 | 13 | 100 |
| Miscellaneous cases | 13 | 156 | 14 |
| Category II Case Types: Objective = 120 Days | 106 | 240 | 25 |
| Hunting/Fishing and Coastal Fisheries violations [DNR] | 3 | 126 | 33 |
| Boating under the influence | 7 | 118 | 57 |
| Health licensing cases [DHEC] | 6 | 176 | 17 |
| Outdoor advertising permits [DOT] | 2 | 383 | 0 |
| Disadvantaged Business Enterprises/Displacement [DOT] | 4 | 201 | 25 |
| PEBA Retirement Systems | 11 | 212 | 18 |
| OMVH Appeals [OMVH] | 45 | 282 | 27 |
| Professional Licensing Board Appeals [LLR] | 9 | 230 | 22 |
| OSHA [LLR] | 19 | 237 | 16 |
| Category III Case Types: Objective = 180 Days | 290 | 221 | 53 |
| Certificate of Need cases [DHEC] | 7 | 441 | 43 |
| Environmental permitting cases [DHEC] | 6 | 261 | 50 |
| OCRM cases [DHEC] | 10 | 329 | 0 |
| Medicaid Appeals [HHS] | 10 | 270 | 50 |
| Bingo violations [DOR] | 12 | 238 | 33 |
| State tax cases [DOR] | 18 | 231 | 28 |
| County property tax (real and personal) cases [DOR] | 73 | 217 | 53 |
| Daycare/Fostercare Appeals, SNAP (FI) [DSS] | 13 | 171 | 62 |
| Employment & Workforce Appeals [DEW] | 122 | 197 | 65 |
| PEBA Employee Insurance Program Appeals | 19 | 228 | 37 |
| Category IV Case Types: Objective = 120 days | 1106 | 121 | 64 |
| Inmate grievances [DOC & PPPS] | 1106 | 121 | 64 |
| ALL CASE TYPES | 1776 | 146 | 58 |
| ALL CASE TYPES excluding inmate grievances | 670 | 188 | 48 |

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COMBINED COURT AND OMVH WORKLOAD SINCE 2008

| FISCAL YEAR | COURT | OMVH | TOTAL CASES FILED | COURT | OMVH | TOTAL FINAL DECISIONS |
|-------------|-------|------|-------------------|-------|------|-----------------------|
| FY 08-09 | 1800 | 5340 | 7,140 | 1761 | 4655 | 6,416 |
| FY 09-10 | 1955 | 6577 | 8,532 | 1591 | 5222 | 6,813 |
| FY 10-11 | 1945 | 6786 | 8,731 | 1986 | 6760 | 8746 |
| FY 11-12 | 1733 | 6939 | 8,671 | 1886 | 7501 | 9387 |
| FY 12-13 | 1472 | 6776 | 8,248 | 1497 | 6678 | 8,175 |
| FY 13-14 | 1698 | 6863 | 8,561 | 1776 | 6777 | 8,553 |

COURT'S WORKLOAD REPORT SINCE 2008

| FISCAL YEAR | *CCs, RHs, IJs, and & other appeals | <u>Al-Shabazz/ Furtick</u> Appeals | TOTAL CASES FILED | *CCs, RHs, IJs, and & other appeals | <u>Al-Shabazz/ Furtick</u> Appeals | TOTAL FINAL DECISIONS |
|-------------|-------------------------------------|--|-------------------|-------------------------------------|--|-----------------------|
| FY 08-09 | 534 | 1,266 | 1,800 | 544 | 1,342 | 1,886 |
| FY 09-10 | 838 | 1,117 | 1,955 | 492 | 1,099 | 1,591 |
| FY 10-11 | 750 | 1,195 | 1,945 | 924 | 1,062 | 1,986 |
| FY 11-12 | 643 | 1,090 | 1,733 | 627 | 1,259 | 1,886 |
| FY 12-13 | 567 | 905 | 1472 | 559 | 938 | 1497 |
| FY 13-14 | 636 | 1,062 | 1,698 | 670 | 1106 | 1776 |

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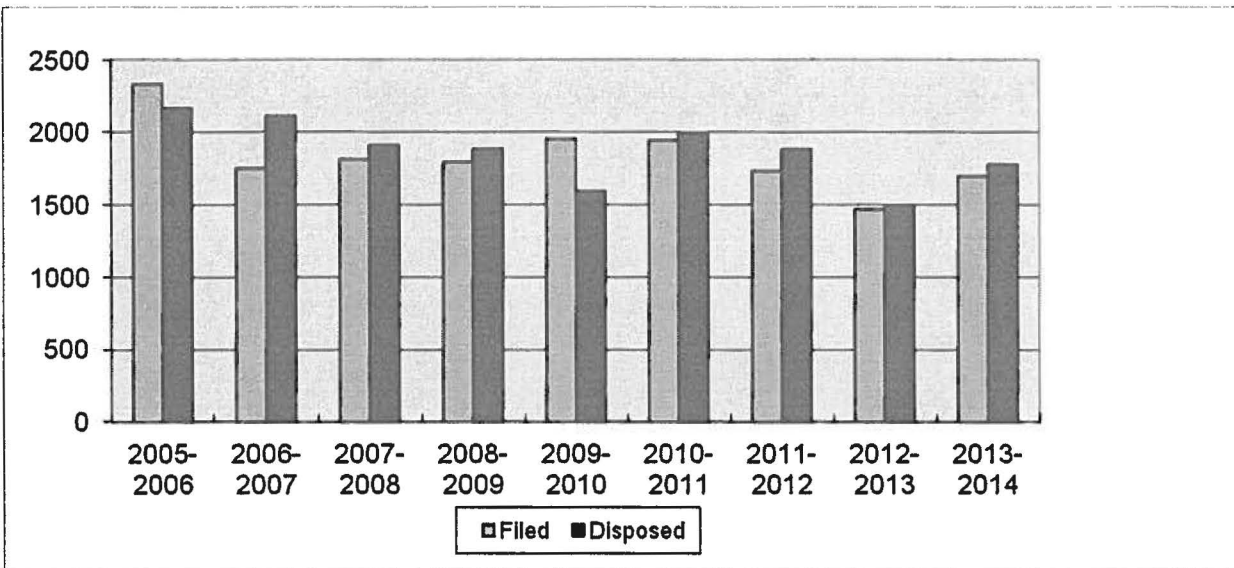
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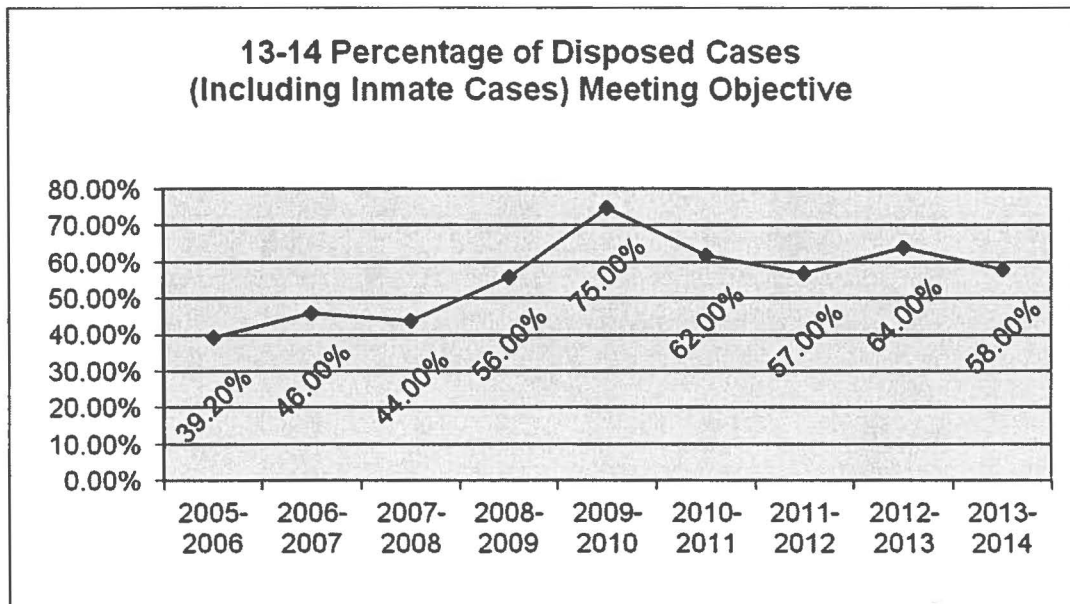
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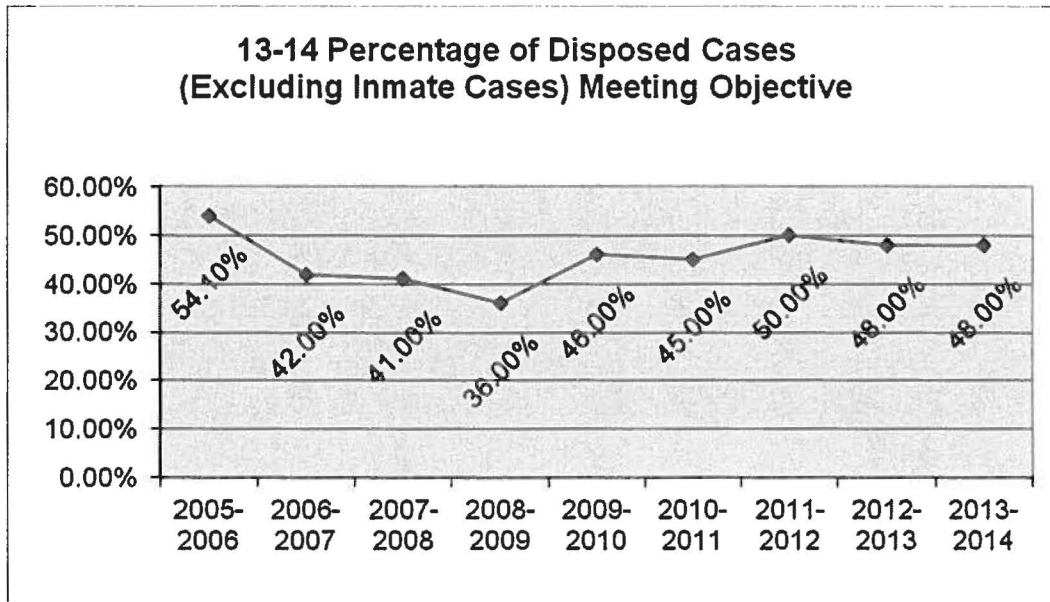
THE FOLLOWING GRAPH DOES NOT INLCUDE OMVH CASES



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THE FOLLOWING GRAPH DOES NOT INCLUDE OMVH CASES



OMVH WORKLOAD REPORT FOR CURRENT YEAR

| Case Type # | Description | CASES FILED | FINAL DECISIONS |
|--------------|--|-------------|-----------------|
| 01 | Implied Consent or BAC | 6673 | 6569 |
| 02 | Habitual Offender 1 st Declared | 50 | 53 |
| 03 | Habitual Offender Reduction/HOR 2 | 45 | 54 |
| 04 | Financial Responsibility | 53 | 67 |
| 05 | Dealer Licensing | 5 | 5 |
| 06 | Physical Disqualification | 7 | 8 |
| 07 | IFTA | 12 | 10 |
| 08 | Self-Insured | 0 | 0 |
| 09 | Driver Training School | 1 | 0 |
| 10 | IRP | 4 | 3 |
| 11 | Miscellaneous | 5 | 4 |
| 12 | Points Suspension | 8 | 4 |
| TOTAL | | 6863 | 6777 |

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Strategic Planning Template

| Type | Goal | Item # Strat | Object | Description |
|------|------|-----------------|--------|--|
| G | 1 | | | Provide fair and impartial hearings for all litigants |
| S | | 1.1 | | Achieve greater accountability among the judges' offices in the performance of their judicial functions and responsibilities |
| O | | | 1.2 | Review current statutes and rules for possible amendments to assist in achieving this goal |
| G | 2 | | | Conduct hearings in a timely manner |
| S | | 2.1 | | Develop and track case types to determine age of a case from filing to disposition |
| O | | | 2.2 | By the end of 2014, revise categories and objectives to allow for growth in caseload and jurisdiction in past 5 years |
| G | 3 | | | Enhance information technology to increase court's efficiency |
| S | | 3.1 | | Upgrade current case management system and implement electronic filing |
| O | | | 3.2 | Complete upgrade and e-filing by the end of FY 2014-2015 |

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Performance Measurement Template

| Item | Performance Measure | Last Value | Current Value | Target Value | Time Applicable | Data Source and Availability | Reporting Freq. | Calculation Method | Associated Objective(s) |
|------|--|------------|---------------|--------------|------------------|--|-----------------|--|-------------------------|
| 1 | Average Age of Disposed Cases (All Case types - ALC) | 202 | 188 | 180 | July 1 - June 30 | Case Management System data, updated daily | Annual | Formula based on the # of cases in a category and the age of each case | All Goals 1, 2 and 3 |
| 2 | Average Age Category I | 113 | 127 | 90 | July 1 - June 30 | Case Management System data, updated daily | Annual | Formula based on the # of cases in a category and the age of each case | All Goals 1, 2 and 3 |
| 3 | Average Age Category II | 193 | 240 | 120 | July 1 - June 30 | Case Management System data, updated daily | Annual | Formula based on the # of cases in a category and the age of each case | All Goals 1, 2 and 3 |
| 4 | Average Age Category III | 272 | 221 | 180 | July 1 - June 30 | Case Management System data, updated daily | Annual | Formula based on the # of cases in a category and the age of each case | All Goals 1, 2 and 3 |
| 5 | Average Age Category IV | 142 | 121 | 120 | July 1 - June 30 | Case Management System data, updated daily | Annual | Formula based on the # of cases in a category and the age of each case | All Goals 1, 2 and 3 |
| 6 | Total Cases Filed | 8,248 | 8,561 | NA | July 1 - June 30 | Case Management System data, updated daily | Annual | NA | All Goals 1, 2 and 3 |
| 7 | Total Cases Filed - ALC | 905 | 1,062 | NA | July 1 - June 30 | Case Management System data, updated daily | Annual | NA | All Goals 1, 2 and 3 |
| 8 | Total Cases Filed - OMVH | 6776 | 6863 | NA | July 1 - June 30 | Case Management System data, updated daily | Annual | NA | All Goals 1, 2 and 3 |